

SB 898 STAFF MEASURE SUMMARY

Senate Committee On Housing and Development

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Meeting Dates: 2/22

WHAT THE MEASURE DOES:

Requires reseller of residential property to deliver, in addition to existing property disclosure statement requirement, a supplemental statement including a reseller’s statement of purpose; written descriptions of property improvements covering contractors, permits, and improvement types and details; real estate licensees and home inspectors who worked with the reseller; and whether improvements have been reported to Department of Consumer and Business Services and relevant county assessor. Excludes carpeting and interior and exterior painting or staining from requirement. Allows buyer to presume seller is reseller and require supplemental statement as condition of sale; allows seller to rebut presumption. Specifies disclosures are representations of sellers and resellers only. Incorporates supplemental statement into terms of sale and buyer right of revocation statutes.

Takes effect on 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Current statute requires sellers of residential property meeting certain criteria to provide a property disclosure statement, detailed in ORS 105.464, to buyers making a written offer to purchase. In some situations, provisions allow for exclusion from the requirement by the seller or for the buyer to revoke their offer. The statement requires some reporting if improvements have been made to the property but does not require specific information about the work done or who performed it. Anyone working for compensation in construction activity involving improvements to real property must be licensed with the Oregon Construction Contractors Board (CCB).

Senate Bill 898 adds a supplemental property disclosure statement for residential property resellers as a condition of sale in certain circumstances. The disclosure must include improvement costs and types; contractor, inspector, and real estate licensee information; and whether improvements have been reported to relevant agencies. A buyer’s presumption the seller is a residential reseller may be rebutted by the seller. The supplemental statement is added to statutes covering existing property disclosure statement requirements.